IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

Con.Case(C).No. 97 of 2007(S)

AGAINST THE JUDGEMENT/ORDER IN WPC.21976/2003 Dated 03/04/2006

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PETITIONER:

M.K.CHANDRAN, MANCHAKKATTIL HOUSE,
THIRUVANKULAM, TRIPUNITHURA.

BY ADV. SRI.P.SREEKUMAR
SRI.K.S.MANU (PUNUKKONNOOR)

RESPONDENTS:

MINI ANTONY, AGE AND NAME OF THE
FATHER NOT KNOWN, REVENUE DIVISIONAL OFFICER,
FORT KOCHI.

BY GOVERNMENT PLEADER SRI BASANT BALAJI

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN,J.

CONT. CASE (C).NO.97 OF 2007

Dated this the 14th day of February, 2007

JUDGMENT

The complaint made in this contempt application is that Annexure-A1 judgment of this Court dated 3/4/2006 in W.P.(C).No.21976/2003 is not complied with by the concerned authority. The matter relates to the application submitted by the petitioner under the provisions of the Kerala Land Utilization Act for conversion of an extent of 20 cents of land in Sy.No.552/8 (Old Sy.No.875/3) of Thiruvankulam Village for the purpose of construction of a residential building in the said property. After considering the objections the writ petition was disposed of directing the R.D.O. to pass final orders, as expeditiously as possible, at any rate within a period of six weeks. Pursuant thereto the R.D.O., as per Annexure-2 produced along with the statement

filed by the respondent, placed the matter before the District Collector, since according to him, the appropriate authority for considering the application for conversion above 5 cents of land is the District Collector and the R.D.O. is authorised to consider the application for conversion of land upto 5 cents only. The District Collector, based on the reference made by the R.D.O., passed an order dated 25/1/2007 produced as Annexure-3. The contention of the petitioner is that specific direction was given to the R.D.O. to consider and dispose of the matter and therefore, the R.D.O. ought to have passed an order. Secondly, based on Annexure-A1 judgment, what remains is only to pass an order granting exemption and he could not have rejected the same as per Annexure-3 order.

2. Heard both sides.

3. Even though this Court has directed the R.D.O. to pass final orders on this matter, if he

has no authority to pass an order in respect of exemption application exceeding 5 cents of land, then it cannot be said that there is any contempt when the R.D.O. has placed the matter before the higher authority and the higher authority namely, the District Collector has already passed an order. As regards the contention that Annexure-3 order is wrong, the same cannot be considered in a contempt application. It is open to the petitioner to challenge Annexure-3 order by filing appropriate writ petition separately. With leave and liberty to the petitioner to do so this contempt application is closed.

Issue photo copy.

P.R.RAMAN,
Judge.

kcv.